

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

QUENTIN PICKETT,

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent.

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**MOTION TO VACATE
28 U.S.C. § 2255**

**CIVIL ACTION NO.
1:18-cv-583-ELR-RGV**

**CRIMINAL ACTION NO.
1:17-cv-00180**

ORDER

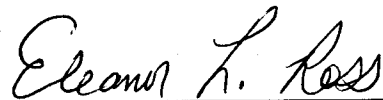
This matter is before the Court for consideration of the Report and Recommendation ("R&R") of Magistrate Judge Russell G. Vineyard [Doc. 140]. Judge Vineyard recommends that Petitioner's § 2255 Motion [Doc. 133] be dismissed without prejudice as premature and that a Certificate of Appealability be denied.

After conducting a careful and complete review of a magistrate judge's findings and recommendations, a district court judge may accept, reject, or modify a magistrate judge's R&R. 28 U.S.C. § 636(b)(1) (C); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982). No objections to the magistrate judge's R&R have been

filed, and therefore, the Court has reviewed the R&R for plain error. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court finds no error.

Accordingly the Court **ADOPTS** the R&R [Doc. 140] as the opinion of this Court. For the reasons stated in the R&R, the Court **DISMISSES WITHOUT PREJUDICE** Petitioner's § 2255 Motion [Doc. 133], which at this point is premature. Additionally, the Court **DECLINES** to issue a certificate of appealability because after considering 28 U.S.C. § 2253(c)(2), the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right. The Court **DIRECTS** the Clerk to **CLOSE** the civil case associated with Petitioner's § 2255 Motion: Civil Action No. 01:18-cv-583-ELR-RGV.

SO ORDERED, this 8th day of March, 2018.



Eleanor L. Ross
United States District Judge
Northern District of Georgia